



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

July 2, 2009

Mr. Kenneth Murin  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Re: Draft NPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13)

Dear Mr. Murin:

Thank you for the opportunity to review the above-referenced draft permit, which was extended for public comment until July 6, 2009. EPA has conducted a review pursuant to the Memorandum of Agreement between the Regional Administrator, Region III, U. S. Environmental Protection Agency (EPA or the Agency) and the Pennsylvania Department of Environmental Protection (PADEP) regarding the Administration and Enforcement of the National Pollutant Discharge Elimination System (NPDES) and Federal regulations at 40 CFR 123.44. This letter serves to convey EPA's comments concerning the regulatory review of and recommendations for the draft permit. Please note that EPA expects to receive an additional draft for review after PADEP has had the opportunity to review the comments submitted by EPA and others.

Based on the Agency's review to date, we are submitting the following general comments, all of which require further clarification and refinement in order to ensure compliance with EPA's Phase II Stormwater regulations. Areas of concern include, but are not limited to:

- EPA's NPDES regulations at 40 CFR 124.8 list the specific requirements to be included in the fact sheet. The fact sheet does not describe the Department's rationale for the current permit conditions and differences/changes between the previous version of the permit and this iteration. For example, a discussion regarding PADEP's establishment of the TMDL Plan and science behind the selection of BMPs would be appropriate to include in the factsheet.
- Throughout the permit, specific instructions and conditions should be clarified for new vs. renewal permittees. Anti-backsliding rules, including specific prohibitions in section 402(o) of the Clean Water Act and 40 CFR 122.44(l), require that provisions for renewal permittees be at least as stringent as the previous permit. In addition, existing permittees cannot be given additional time in this permit to comply with requirements from the